SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/891,934	05/29/92	EYLES	D DR-232J

E3M1/1021

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WALTHAM, MA 02154

EXAMINER
MACDONALD, A

ART UNIT	PAPER NUMBER
2308	4

DATE MAILED: 10/21/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined   ☐ Responsive to communication filed on _____   ☐ This action is made final.

A shortened statutory period for response to this action is set to expire ___3___ month(s), ___0___ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned.   35 U.S.C. 133

Part I   THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II   SUMMARY OF ACTION

1. ☒ Claims _1-19_ are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims _1-19_ are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____ . Under 37 C.F.R. 1.84 these drawings
   are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the
    examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
    ☐ been filed in parent application, serial no. _____ ; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
    accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

1.   The disclosure is objected to because of the following
informalities: The computer programs at pages 36-51 and 57-70 of
the specification are improper and should be appendices at the
end of the specification with appropriate reference in the
specification to the appendices; and the computer programs at
pages 36-51 and 57-70 are partially illegible and should be
replaced with clean copies.   Appropriate correction is required.

2.   The following is a quotation of the appropriate paragraphs
of 35 U.S.C. § 102 that form the basis for the rejections under
this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed
publication in this or a foreign country or in public use or
on sale in this country, more than one year prior to the
date of application for patent in the United States.

3.   Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being
clearly anticipated by the TIMELINER language.

4.   Claims 16 and 17 are rejected under 35 U.S.C. § 102(b) as
being clearly anticipated by Perkins et al.

5.   Claims 1-19 are rejected as being clearly anticipated

because of applicant's commercial exploitation of the TIMELINER

language.   See W. L. Gore & Associates v. Garlock, Inc., 721 F.2d

1540, 1550, 220 USPQ 303, 310 (Fed. Cir. 1983).

6.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Allen
MacDonald whose telephone number is (703) 305-9646.

      Any inquiry of a general nature or relating to the status of
this application should be directed to the Group receptionist
whose telephone number is (703) 305-9600.

ALLEN MACDONALD
PRIMARY EXAMINER
ART UNIT 2308